

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

BYTEMARK, INC.,

Plaintiff,

v.

XEROX CORP., ACS TRANSPORT  
SOLUTIONS, INC., XEROX  
TRANSPORT SOLUTIONS, INC.,  
CONDUENT INC., and  
NEW JERSEY TRANSIT CORP.,

Defendants.

Civil Action No. 1:17-cv-01803-PGG-JW

JURY TRIAL DEMANDED

**DECLARATION OF FRANCES H. STEPHENSON**

I, Frances H. Stephenson, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am over twenty-one years of age and have personal knowledge of the following facts or access to information and/or records allowing me to confirm these facts.
2. I am a member of the law firm of Keyhani LLC and represent Plaintiff Bytemark, Inc. (“Plaintiff” or “Bytemark”).
3. I submit this declaration in support of Plaintiffs’ Reply in Support of Its Motion to Dismiss Defendants’ Counter Claim V and Strike Defendants’ Twelfth Affirmative Defense.
4. Attached hereto as Exhibit A is a printout of the civil docket for *Bytemark, Inc. v. Masabi Ltd.*, No. 2:16-cv-00543-JRG-RSP (E.D. Tex.), available on PACER at [https://ecf.txed.uscourts.gov/cgi-bin/DktRpt.pl?14629290088961-L\\_1\\_0-1](https://ecf.txed.uscourts.gov/cgi-bin/DktRpt.pl?14629290088961-L_1_0-1), and printed on March 3, 2022.

5. Attached hereto as Exhibit B is a true and correct copy of Notice of Filing of Patent/Trademark Form (AO 120), *Bytemark, Inc. v. Masabi Ltd.*, No. 2:16-cv-00543-JRG-RSP (E.D. Tex.), Dkt. #151 (“Dkt. #151”).

6. Attached hereto as Exhibit C is a true and correct copy of an ECF notice of electronic filing of Dkt. #151 entered on 2/7/2019 at 4:58 PM CST. This notice was emailed to, and received by, counsel for Bytemark on February 7, 2019.

7. Attached hereto as Exhibit D is a true and correct copy of the Information Disclosure Statement of Applicant for the ‘157 Patent application.

8. Attached hereto as Exhibit E is a true and correct copy of a portion of Masabi’s invalidity contentions charts for the ‘967 Patent, submitted by Defendant Xerox as Exhibit 1015 in *Xerox Corp. v. Bytemark, Inc.*, CBM2018-00011 (PTAB 2018).

9. Attached hereto as Exhibit F is a true and correct copy of an invalidity contention chart for the ‘967 Patent, submitted by Defendant Xerox as Exhibit 1016 in *Xerox Corp. v. Bytemark, Inc.*, CBM2018-00011 (PTAB 2018).

10. Attached hereto as Exhibit G is a true and correct copy of an invalidity contention chart for the ‘967 Patent, submitted by Defendant Xerox as Exhibit 1017 in *Xerox Corp. v. Bytemark, Inc.*, CBM2018-00011 (PTAB 2018).

11. Attached hereto as Exhibit H is a true and correct copy of an invalidity contention chart for the ‘967 Patent, submitted by Defendant Xerox as Exhibit 1018 in *Xerox Corp. v. Bytemark, Inc.*, CBM2018-00011 (PTAB 2018).

12. Attached hereto as Exhibit I is a true and correct copy of an invalidity contention chart for the ‘993 Patent, submitted by Defendant Xerox as Exhibit 1011 in *Xerox Corp. v. Bytemark, Inc.*, CBM2018-00018 (PTAB 2018).

13. Attached hereto as Exhibit J is a true and correct copy of the Information Disclosure Statement of Applicant for the '622 Patent application.

14. Attached hereto as Exhibit K is a true and correct copy of excerpts from U.S. Patent No. 10,346,764.

15. Attached hereto as Exhibit L is a true and correct copy of excerpts from U.S. Patent No. 10,360,567.

16. Attached hereto as Exhibit M is a true and correct copy of excerpts of expert declarations of Dr. Sigurd Meldal in connection with *Xerox Corp. v. Bytemark, Inc.*, CBM2018-00011 and CBM2018-00018 (PTAB 2018), which were submitted on January 10 and 12, 2018 and service emails of Dr. Meldal's expert declarations in connection with the *Masabi* case dated August 16, 2017.

Executed on: March 7, 2022

/s/ Frances H. Stephenson